THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P.M.P. No. 22403 of 2006
and
Writ Petition No. 26124 of 2003

Date: 28.09.2006

Between:

Lambu Padma, W/o late Lambu Mallaiah, @ L. Mallareddy, aged about 37 years, Occ: House wife, R/o 3-178, Shivaji Nagar, Post and Mandal – Masanparthy, Warangal District.

.... PETITIONER

AND

Singareni Collieries Co.Ltd., rep. by its General Manager, RG.II Area, Godavarikhani, Karimnagar District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P.M.P. No. 22403 of 2006
and
Writ Petition No. 26124 of 2003

Common Order:

When W.P.M.P. No. 4392 of 2006 came up for hearing, learned counsel for the petitioner as well as the learned Standing Counsel for the respondent-Company and the learned counsel for respondent Nos.3 to 6 agreed to dispose of the main writ petition itself in view of the compromise arrived at by and between them.

This writ petition is filed by the petitioner seeking a Mandamus declaring the action of the respondents-Company in not releasing all the service benefits of her husband, on the ground that there is a counter claim by the 3rd respondent herein, as illegal and arbitrary.

A counter affidavit was filed by the respondents-Company stating that the petitioner deserted her husband, namely Mallaiah and the name of the 3rd respondent was entered in the records of the Company based on the nominations given by the said Mallaiah, and therefore, if the petitioner and the 3rd respondent came to an amicable settlement, the respondents-Company has no objection to disburse the terminal benefits of said Mallaiah.

When the matter is taken up for hearing today, learned counsel for the petitioner as well as the learned counsel for respondent Nos.3 to 6 filed joint compromise memo in W.P.M.P. No.22403 of 2006 stating that the petitioner and respondent Nos.3 to 6 settled the matter out of court, and they both agreed to dispose of the writ petition in terms of the said compromise memo.

Having regard to the fact that the petitioner and respondent Nos.3

to 6 came to an amicable settlement and filed a joint compromise memo in W.P.M.P. No.22403 of 2006, and having regard to the agreed stand taken by both the counsel for the petitioner and respondent Nos.3 to 6 to dispose of the writ petition in terms of the said compromise memo, and in view of the averments made in the counter affidavit filed by the respondent-Company that if the petitioner and the 3rd respondent came to an amicable settlement, they have no objection to disburse the terminal benefits, I deem it appropriate to dispose of the writ petition with the following directions.

The compromise memo filed in W.P.M.P. No. 22403 of 2006 by both the parties is placed on record, and the W.P.M.P. is allowed. The respondent-Company is directed to settle all the terminal benefits of the deceased Lambu Mallaiah @ L. Malla Reddy in terms of the compromise memo entered into by and between the petitioner and respondent Nos. 3 to 6, expeditiously. Office is directed to forward a copy of this order along with copy of compromise memo entered into between the parties to the respondent-Company for expeditious settlement of the terminal benefits of the deceased in terms of the said compromise memo.

Accordingly, the writ petition is disposed of. No costs.

_____

N.V. RAMANA, J.

Date: 28.09.2006
Nsr/lsl